

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 5, 2006

DIVISION TWO

B187326 People (Not for Publication)
v.
Anderson

The judgment is modified to reflect 110 days of precommitment conduct credit and a total of 333 days of precommitment credit. In all other respects, the judgment is affirmed.

Chavez, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

[illegible]

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Ashmann-Gerst, J.

B188777 Committee for Responsible School Expansion
v.
Hermosa Beach City School District

Filed order denying petition for rehearing.

October 5, 2006 (Continued)

DIVISION TWO (Continued)

B186745 People (Not for Publication)
v.
Wilson

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

DIVISION THREE

B187730 Los Angeles County, D.C.S. (Not for Publication)
v.
Tricia R.

The order is affirmed.

Kitching, J.

We concur: Klein, P.J.
Aldrich, J.

B183848 People
v.
Tu Quoc Tran

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

DIVISION FIVE

B184034 County of Los Angeles et al., (Certified for Partial Publication)
v.
California State Water Resources Control Board, et al.,

The judgment is reversed. Upon issuance of the remittitur, the trial court is to issue its writ of administrative mandate which solely directs defendant, California Regional Water Quality Control Board, Los Angeles Region, to set aside its permit and conduct limited California Environmental Quality Act review as discussed in the body of this opinion. In exercising its equitable discretion, if plaintiffs' environmental review contentions become moot either when the writ of mandate is issued or on a later date because another permit is issued, the trial court retains the authority to decline to order limited environmental review. All other aspects of the orders denying the administrative mandate petitions, dismissing the complaints, and denying the post trial motions are affirmed. Defendants, California Regional Water Quality Control Board, Los Angeles Region and the State Water Resources Board, are to recover their costs incurred on appeal jointly and severally from plaintiffs, the Cities of Arcadia, Artesia, Bellflower, Beverly Hills, Carson, Cerritos, Claremont, Commerce, Covina, Diamond Bar, Downey, Gardena, Hawaiian Gardens, Industry, Irwindale, La Mirada, Lawndale, Monrovia, Norwalk, Paramount, Pico Rivera, Rancho Palos Verdes, Rosemead, Santa Clarita, Santa Fe Springs, Signal Hill, South Pasadena, Torrance, Vernon, Walnut, West Covina, Westlake Village, and Whittier, and the County of Los Angeles, Los Angeles County Flood Control District, Building Industry Legal Defense Fund, and the Construction Industry Coalition on Water Quality.

Turner, P.J.

We concur: Armstrong, J.
 Kriegler, J.

October 5, 2006 (Continued)

DIVISION FIVE (Continued)

B184951 The People (Not for Publication)
v.
Deandre W.

The judgment is affirmed.

Armstrong, Acting P.J.

We concur: Mosk, J.
Kriegler, J.

B186669 ZTE Electronics Corp., Inc., (Not for Publication)
v.
Amoroso Properties et al.,

The judgment is reversed. Plaintiff, ZTE Electronics Corp., Inc., is to recover its costs on appeal jointly and severally from defendants, Amoroso Properties, Glenmore Plaza Hotel, James Amoroso, and Jack Amoroso, Sr.

Turner, P.J.

We concur: Armstrong, J.
Kriegler, J.

B186587 People (Not for Publication)
v.
Jonathan Moreland

Appellant's conviction for vandalism of a dwelling in violation of section 603 is reversed. His sentence for trespass by injury in violation of section 602 is ordered stayed pursuant to section 654. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

DIVISION FIVE (Continued)

B184595 Power Point Films (Not for Publication)
 v.
 Zenpix, Inc., et al.,

The judgment is affirmed. Respondent(s) to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B184915 People (Not for Publication)
 v.
 Werner Heinrich Carpenter

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Mosk, J.

B190890 People (Not for Publication)
 v.
 James Edward Burton

The judgment is affirmed.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION FIVE (Continued)

B189367 In re: Amber P., (Not for Publication)

v.

Los Angeles County, D.C.S.

Maureen P.,

The appeal is dismissed.

Kriegler, J.

We concur: Turner, P.J.

 Mosk, J.

B183186 Paul Ottosi (Not for Publication)

v.

Robert Berry, Jerryl Berry, Lloyd Dix, Julius Dix, et al

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Armstrong, Acting P.J.

 Kriegler, J.

B185025 People (Not for Publication)

v.

Donald R. Menephee

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.

 Kriegler, J.

DIVISION FIVE (Continued)

B190396 In re Richard R. Jr. (Not for Publication)

v.

Los Angeles County, D.C.S.

Erica S.

The judgment is affirmed.

Mosk, J.

We concur: Armstrong, Acting P.J.
 Kriegler, J.

DIVISION SIX

B187933 Noya et al., (Certified for Publication)

v.

A.W.Coulter Trucking

Zurich American Ins.

The judgment is affirmed. Costs are awarded to respondents.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

B185496 People (Not for Publication)

v.

Gill

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
 Perren, J.

DIVISION SIX (Continued)

B191161 Haraguchi (Certified for Publication)

v.

Santa Barbara Superior Court
(The People, r.p.i.)

Our decision does not result in a wholesale recusal of Dudley in criminal cases or sexual assault cases. We conclude only that she has a disabling conflict of interest in the instant case, where petitioner is being prosecuted for raping an intoxicated person while the prosecutor is promoting her novel involving the identical charge. To the extent that petitioner seeks to recuse Joyce Dudley as the trial prosecutor in this case, the petition for a writ of mandate is granted. The petition is denied to the extent that petitioner seeks to recuse the Santa Barbara County District Attorney's Office. The order to show cause, having served its purpose, is discharged. The stay of proceedings previously issued by this court is vacated.

Yegan, J.

We concur: Gilbert, P.J.
 Perren, J.

B188550 Hollywood (Certified for Publication)

v.

Santa Barbara Superior Court
(The People, r.p.i.)

To the extent that petitioner seeks the recusal of prosecutor Zonen, the petition is granted. In all other respects, the petition is denied. The stay order previously issued is vacated.

Yegan, J.

I concur: Perren, J.
I concur: Gilbert, P.J. (opinion)

October 5, 2006 (Continued)

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B184444	People v. McPherson
B184921	People v. Bonds
B185481	People v. C. Williams
B186072	People v. Rutter
B186734	People v. Ramirez
B187558	People v. D. Williams
B187967	People v. Poole
B189310	People v. Juan I. R.,
B189363	DCFS v. Kirk S.
B189559	DCFS v. Peggy L.
B190885	DCFS v. Martin M.

Argument waived, cause submitted.

B185948 People
 v.
 Hassoun et al.,

Merits:

Argued by Allison Ting, Alan Stern and William Heyman for appellants and by Michael Katz, Deputy Attorney General for respondent. Cause submitted.

B187782 People
 v.
 Kevin T.

Merits:

Argued by Philip Cohen for appellant and by Roberta Davis, Deputy Attorney General for respondent. Cause submitted.

Court recessed at 9:58 a.m.

October 5, 2006 (Continued)

DIVISION SEVEN (Continued)

Court reconvened at 10:06 a.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

B185832 Barile v. Cage-Barile

Argument waived, cause submitted.

B182437 Hernandez
v.
City of Pomona

Merits:

Argued by Danilo Becerra for appellant and by Sean Beehler for respondent. Cause submitted.

B181923 Cope
v.
Matadors Community Credit Union et al.,

Merits:

Argued by Dennis Palmieri for appellant and by Vanessa Widener and David Adida, Deputy Attorney General for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Perluss, P.J., Johnson, J., Woods, J., Zelon, J. and Eva McClintock, Deputy Clerk.

DIVISION SEVEN (Continued)

B187940 Steinert
v.
City of Covina et al.,

Merits:
Argued by Michael McGill for appellant and by Richard Kreisler for respondents. Cause submitted.

B183899 Gallagher et al.,
v.
Prudential Realty et al.,

Merits:
Argued by David Stowell for appellants and by Robert Dolan for respondents. Cause submitted.

B185357 Equus Products, Inc.
v.
Truck Insurance Exchange et al.,

Merits:
Argued by David Hinshaw for appellant and by David Ezra, Cynthia Palin and Mark Errico for respondents. Cause submitted.

B185422 Reinink et al.,
v.
Henry et al.,

Merits:
Argued by Gerald Peters for appellants and by Priscilla Slocum for respondents. Cause submitted.

DIVISION SEVEN (Continued)

B184523 Wagner
 v.
 Columbia Pictures

Merits:
Argued by Samuel Pryor for appellant and by Martin Katz for respondent.
Cause submitted.

Court adjourned.

B182048 Dixon et al., (Not for Publication)
 v.
 Union Bank of California

The judgment is reversed. The cause is remanded to the trial court for further proceedings not inconsistent with this opinion. Dixon and Griffin are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.
 Zelon, J.

B181220 People
 v.
 Mendez et al.,

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION EIGHT

B189366 Los Angeles County, D.C.S. (Not for Publication)

v.

Amanda C. et al.,

In re Stephen C., a Person Coming Under the Juvenile Court Law.

The order terminating parental rights is vacated and the matter is remanded to the juvenile court. The juvenile court is directed to order DCFS to make proper inquiry of Father and his family members to comply with requirements of the ICWA and California Rules of Court, rule 1439. If no additional information is available, the court is directed to reinstate its order. If after inquiry, additional information is available, the court is directed to order DCFS to notice the tribes and the BIA. If it is determined that Stephen is an Indian child within the meaning of the ICWA, the court is ordered to conduct a new section 366.26 hearing, one that complies with the requirements of the ICWA. If no response is received from the tribes, or if it is determined that Stephen is not an Indian child within the meaning of the ICWA, the trial court shall reinstate its order terminating parental rights.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

B182138 People (Not for Publication)

v.

Mario Rolando V.,

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.

DIVISION EIGHT (Continued)

B189862 Los Angeles County, D.C.S. (Not for Publication)
v.
Ernie R. et al.,
In re Mark R., a Person Coming Under the Juvenile Court Law.

The order terminating parental rights is reversed and the matter is remanded so that proper notice can be given under the Indian Child Welfare Act. After receiving proper notice, if no tribe indicates Mark is an Indian child within the meaning of the ICWA, the court is directed to reinstate the order terminating rights. If a tribe determines Mark is an Indian child, the court is ordered to conduct a new selection and implementation hearing. In all other respects, the order is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Flier, J.